

includes a biometric sensing system and processing unit that is capable of transmitting a verification signal to a host system if the device user is an enrolled person. Such verification signal being indicative of the enrolled person or of the device.

Significantly in Scott a verification signal is only transmitted to a host system only if the biometric signal of the device user is corresponds sufficiently to the biometric data stored in the device to verify that the user is the enrolled person. Scott does not teach audit log storage on the portable personal identification device as is claimed in applicant's claims 3 and 13.

Nor does Scott teach the claimed "authorization profile storage" as a part of the passkey device. Scott appears to be limited to biometric identification only.

Moriconi, et al. (U.S. Patent 6,158,010)

Moriconi is a network security system that includes an audit log for recording transactions but does not teach or suggest a passkey device (having audit log storage and authorization profile storage in the passkey device) for entry into the Moriconi system. Moriconi is directed to controlling security of an internal enterprise network. It comprises various modules such as an "application guard," a "policy manager," an "authorization policy consisting of objects, subjects, privileges and conditions." Each of these is integral with the enterprise network and is not a part of a passkey, particularly since a passkey is not taught by Moriconi.

It is unclear in Moriconi, et al. where the "authorization profile," as used in this application, is taught.

The Rejection of Claim 3

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Scott, et al. (U.S. Patent 6,484,260) in view of Moriconi, et al. (U.S. Patent 6,158,010).

Claim 3 is a biometric passkey device similar in some respects to the Scott device. It is intended to be used remote from an internal enterprise network as discussed in

Moriconi but will interface with such a system much the way the Scott device may interface with an internal network.

The combination of Scott and Moriconi is however not obvious to one of ordinary skill in the art as there is no motivation in either of them, without the catalyst provided by this application, to make what otherwise may appear to be obvious changes. It is clear that the teachings or suggestion to make the claimed combination and the reasonable success must both be found in the Scott and Moriconi references and not based on applicant's disclosure. Both Scott and Moriconi are very complete disclosures of what each inventive entity entailed. In neither of them is there a motivation to make the proposed combination.

The Moriconi motivation is said to be apparent from Col. 3, lines 54-56 which reads, "It is therefore an object of the present invention to provide an access control system that can manage individual transactions by users around well-defined, detailed objects within an application." This doesn't appear to teach any motivation to combine Moriconi with a biometric passkey as taught by Scott. If Moriconi said something like, "Access to the internal enterprise network from a remote PDA is contemplated by the applicant." then there may be a basis for an obviousness rejection. However just a statement that Moriconi provides an "access control system that can manage individual transactions by users around well-defined, detailed objects within an application." is not sufficient to teach or suggest all the claim limitations contained in claim 3.

The biometric passkey device as claimed includes both a "authorization profile storage," and an "audit log storage." Moriconi, et al. is unclear on the configuration of a user authorization profile. An "authorization profile" as used by the applicant comprises such information such as permissible dates, times, functions, transactions, and remote computer systems allowed to be accessed by the user in addition to the biometric information stored in a data base integral with the biometric passkey.

Applicants request allowance of claim 3 as they believe that claim 4 is not obvious to a person of ordinary skill in the art based on the cited art read fairly and

without the hindsight construction provided by applicants' disclosure.

The Rejection of Claim 4

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott, et al., in view of Moriconi, et al, and further in view of Der Ghazarian, et al. (U.S. Patent 6,726,636).

It is proposed that Der Ghaazarian discloses a device wherein the biometric information may be one of retina scan, DNA recognition, thumb or toe print or handwriting sample in Col. 3, lines 38-40 of Der Ghazarian. In this section of Der Ghazarian his disclosure is directed to a voice recognition breathalyzer signaling an operator to give a sample of breath to determine if alcohol is present. There doesn't appear to be a reference in this area of the Der Ghazarian disclosure directed to biometric indicia other than speech.

Der Ghazarian teaches a voice recognition breathalyzer in order to determine if there are alcohol indicators present in the breath of an individual. Claim 4 was previously amended to recite a plurality of biometric information options that, in this claim only, does not include voice recognition. Der Ghazarian is directed at voice recognition only as far as applicant is aware. As a matter of interest Der Ghazarian, Col. 4, lines 49-56 indicates that if voice recognition fails the default is to a phone call to a monitoring station for a system override. There is nothing to suggest that a backup biometric, such as the claimed retina scan, DNA recognition, thumb or toe print or handwriting sample would be a substitute for voice recognition. No Der Ghazarian does not go this far. Thus it is applicant's position that there is no teaching or motivation provided by Der Ghazarian to reasonably suggest that it should be included with the combination of Scott and Moriconi. Thus it is believed that claim 4, which does not include a voice recognition biometric, is not obvious over the combination taught by Scott and Der Ghazarian.

The applicants believe that claim 4 is not obvious to a person of ordinary skill in

the art based on the cited art read fairly and without the hindsight construction provided by applicants' disclosure.

The Rejection of Claim 12

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott, et al. in view of Bolle, et al. (U.S. Patent 6,819,219). Claim 12 is directed to a proxy passkey. Bolle, et al. does not recite a teaching of a proxy passkey. Col. 7, line 67 and Col. 8, lines 1-2 are directed to a portable reader that includes a smart card (or the like) reader and a duplex connection. In this situation the badge will include a reader thus making a two element passkey—the badge and the reader—slower than the badge alone, but the badge alone is only a simplex connection device. Bolle actually teaches away from the teaching of Scott and thus there is no motivation to make the combination. It certainly is not the desire of a person of ordinary skill in the art to combine two references together where the resulting device is less efficient than the device claimed in claim 12.

The Rejection of Claim 13

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott, et al., in view of Bolle, et al. and further in view of Moriconi, et al.

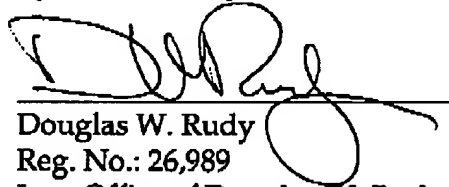
Claim 13 should depend from claim 12 and it is the applicants' desire that it do so since claim 11, now cancelled has been moved into claim 12. It is believed that this is the interpretation of the Examiner as well since the Bolle reference is part of the combination supporting the rejection. Claim 13 recites not only "authorization profile storage" as originally claimed but also an "audit log storage" from now cancelled claim 14.

The combination of Scott and Moriconi is deficient as combination as addressed above with regard to claim 3. Likewise adding Bolle to the combination does not make the combination obvious to one of ordinary skill in the art as there is no good faith basis to combine Bolle with Scott or with the combination including Moriconi. In this

particular claim rejection the applicants believe that claim 13 is not obvious to a person of ordinary skill in the art based on the cited art as discussed above and read fairly without the hindsight construction provided by applicants' disclosure.

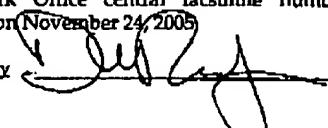
The Applicants' appreciate the work of the Examiner and would further appreciate the careful consideration of these remarks. If the Examiner agrees with the Applicants then allowance of the claims is requested. Further, if the Examiner can suggest language that would make the claims not subject to rejection, based on the Applicant's remarks, the Applicants would appreciate such input and would welcome an Examiner's amendment to get this case to issuance. If the Examiner has any comments or questions, please feel free to contact applicants' attorney at 602-741-8963.

Respectfully submitted,
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By their attorney



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Dated: November 24, 2005

<p>CERTIFICATION OF FACSIMILE TRANSMISSION I hereby certify that this paper and the documents referred to as being attached herewith are being sent by facsimile transmission to the United States Patent and Trademark Office central facsimile number (571.273.8300) on November 24, 2005.</p> <p><u>Douglas W. Rudy</u> </p>
